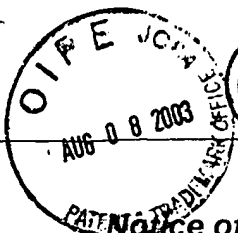


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**COPY**

**Notice of Abandonment**

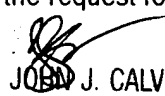
Application No.	Applicant(s)	
09/941,525	HADDEN ET AL.	
Examiner	Art Unit	
James G Smith	3765	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 09 October 2002.
  - (a) ☐ A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
  - (b) ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.  
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - (c) ☒ A reply was received on 08 April 2003 but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
  - (d) ☐ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - (a) ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
  - (b) ☐ The submitted fee of \$\_\_\_\_\_ is insufficient. A balance of \$\_\_\_\_\_ is due.  
The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$\_\_\_\_\_.
  - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - (a) ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☒ The reason(s) below:

The reply did not have a request for extension of time and the proper payment for such a request. In order for the reply to be considered a 5 month extension of time was necessary along with the request for extension.

  
**JOHN J. CALVERT**  
 SUPERVISORY PATENT EXAMINER  
 TECHNOLOGY CENTER 3700

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.



COPY

Mike Hadden

**From:** Kirk Autio  
**Sent:** Wednesday, July 16, 2003 3:31 PM  
**To:** Mike Hadden  
**Subject:** bendabill

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When you sent in the formal response that you put together, it was to be accompanied by a payment of \$985.00, covering the cost of a five month extension. This is why the patent was abandoned.

To officially revive the patent, this is what we need to do:

- 1) Send in a petition for revival form ( can be pulled from website )
- 2) Send in payment of \$985.00 for retroactive 5 month extension program
- 3) Send in payment of \$650.00 for the revival fee.

All correspondence from now on needs to be done through James Smith. He and Alissa have spoken, and everyone is on the same page as to what is going to happen here.

Kirk Autio  
Progressive Roofing  
Santa Barbara, CA  
800-657-0345  
cellular 805-452-3942  
e-mail [kirk.autio@roofusa.com](mailto:kirk.autio@roofusa.com)

**RECEIVED**

**AUG 1 2 2003**

**OFFICE OF PETITIONS**